

AMENDMENT

5

Kindly amend the claims as detailed on the attached pages.

Priority

10 In Form PTOL-326, box 12c3, the Examiner notes that the copy of the certified copy of the priority document has not been obtained by DO/EO/US from the International Bureau. The undersigned thanks the Examiner for the courtesy of noting this problem. Prompted by the Examiner's note, the undersigned has made a request to the DO/EO/US to obtain the copy.

15 Background

Before addressing the Office Action in detail, the applicant offers a few background comments which may be helpful in the later discussion of particular cited references.

20 There is a great need to protect pavements, floors etc. against adhered used chewing gum, which has been thrown away by undisciplined persons. One may go to almost any public place and may find dozens or even hundreds of spots on the pavement or floor, each of which was caused by the throwing away of chewing gum. Removing such spots is hard work, typically requiring a scraper and a strong solvent, with a person on his or her knees for some minutes just to remove a
25 single one of the spots.

The problem is of such magnitude that Marriott hotels do not permit their gift shops to sell chewing gum. Singapore has banned chewing gum altogether due to this problem.

Any approach that might reduce the number of instances of throwing-away of used chewing gum may be of value and ought not to be discounted or discouraged even if one were of the view that such an approach is supposedly obvious over past approaches for solving other non-analogous problems.

It is acknowledged that one can imagine attempting to reduce the throwing-away of used chewing gum by any technically possible overlapping of adhesive surfaces upon the used chewing gum. And indeed one can imagine pursuing this aim by attempting to encourage the undisciplined person to insert the used chewing gum into any of a variety of covers, as described in documents mentioned in this very patent application in the description of the prior art. It is noted, however, that the use of those covers is not accompanied by the advantages of the present invention.

A wrapping that is suited to provide the approach described in the application need not be impermeable or hygienic, because it is not expected that the filled wrapping will be further curried, for example in the pocket. To illustrate this, one may assume the worst, namely that the undisciplined person will throw away the wrapping (with the used chewing gum inside) onto the same surface (such as pavement or flooring) upon which the undisciplined person would have thrown the used chewing gum had no convenient and functional wrapping (according to the invention) been readily available. Put plainly, one goal is simply to prevent direct contact between the used chewing gum and the surface (the pavement or flooring) so that it can be easily and quickly cleaned up without the need for scraping with a scraper or the use of a solvent.

It cannot be forgotten, however, that we are talking about undisciplined persons. One cannot stubbornly demand that reason and logic will directly change the behavior of the undisciplined person. One must, instead, do the best that one can at guessing the mental processes of such a person in this regard. If the wrapper according to the invention is made available to the undisciplined person, one must consider that this person might not bother to take any remedial action at all if even the smallest amount of manipulation of wrappings were to be required, or if

there were any risk of staining clothing, while spitting out used chewing gum from the mouth into the wrapping. That is why the wrapping must be small and light for everyday carrying in a pocket, must be easily manipulated by one hand, and the opening, which is created by squeezing the sides of the wrapping, must be as large as possible. That is why the inner walls of the wrapping, which get spread out by pressing the sides of the wrapping within two fingers, will (it is hoped), sufficiently spread out both parts for safe catching of used chewing gum which is being spit out from the mouth.

It should be clear from the present discussion, and from a review of the application as filed, that the inventor has given quite a lot of thought to this matter, perhaps more thought than most people have ever given to this matter (if they have thought about this matter at all).

The advantages of this invention are not neither easy production nor cheap production. That is why it is not important by which means both parts are attached along their margins. It is only essential to make as large opening as possible to compare with size of wrapping in unexpanded form. This aim is reached, if margins of parts are attached partially from one-half to one-third of circumference of parts. Length of free edges of margins is much bigger then length of attached edges, that is why large spreading out of inner surfaces of parts is after pressing allowed. Covers described in documents mentioned in description of prior art, does not have such character.

One might be tempted to draw upon prior art relating to types of waste other than used chewing gum. Such temptation must, however, be resisted, since the problems and solutions are in fact non-analogous. In the particular case of used chewing gum one hopes and indeed one trusts that the used chewing gum will safely adhere to at least one of the inner surfaces (and perhaps to both). In contrast, for many other types of waste, this mechanism does not work.

Each claim is limited in that the two surfaces are attached along their margins for from one-half to one-third of the circumference of the two surfaces. It is respectfully suggested that this cannot be considered obvious, given the long-felt need discussed above.

The Examiner is respectfully invited to view a video at <http://www.gumpark.cz> (at left bottom corner) which shows a user how to open the wrapping for used chewing gum by means of the fingers of one hand. Also attached is a brochure showing the commercial appeal of the invention. In case it may be of interest, the person appearing in the brochure is Tat'ana

- 5 Kuchařová, a Czech beauty pageant titleholder who won the title of Miss World Czech Republic and Miss World 2006.

The Office Action

- 10 Turning now to the Office Action, the inventor offers detailed comments as given below.

Office Action page 2, paragraphs 1 and 2

- 15 The Office Action puts forth the view that claim 1 is supposedly not enabled. The Office Action admits that the specification *is* enabling for a wrapping for used chewing gum. The Office Action, however, puts forth the view that the specification is supposedly *not* “reasonably” enabling as to the construction of the wrapping.

- 20 In response, the inventor respectfully draws the attention of the Examiner to the first paragraph of the part “Example of Embodiment” of the specification, which starts at the bottom of page 2 of the specification and which continues to the top of page 3. As is explained there, two pieces of recycled paper, having the same circular shape and identical diameter 30 mm, are juxtaposed with their whole surfaces. The two parts are attached along their margins partially from one-third to one-half of the circumference of the parts. They are preferably glued by means of two
- 25 false flaps. Each flap can be a piece of either the upper part or the lower part, and is glued to the with opposite part. Each flap could also be an independent part, glued to both parts just mentioned. A person skilled in the art of glued paper products would not require undue experimentation to figure out on which surface of a flap or a part the glue must be applied.

The discussion in the specification continues on page 3, for example in the second paragraph, describing other ways that the wrappings can look. As described there, the upper and lower parts can have different shapes (cylindrical, elliptical, floral or other shapes) and can be attached (bonded) by sticking (for example by narrow strips of glue applied on inner surfaces along margins), by a lock (for example two opposite situated flaps secured one to other or by flaps, where each of flap is connected with one part of two parts and is folded over edge of opposite part) or parts can be welded, if parts happen to have been made from plastic foil.

The attention of the Examiner is also respectfully drawn to the discussion at the top of page 3 where it is explained that the is opened by depressing two sides of the wrapping by two fingers. The used chewing gum is then spit into the wrapping from the mouth and the wrapping is then (preferably) thrown into a wastebasket.

For every version of embodiment, which skilled person can find out and make under on the base of description and claims 1. and 2., it is essential that both parts are attached along the margins partially from one-third to one-half of circumference and that both parts are provided with vertical pre-scored lines. Thanks those features user achieves, after depressing of two opposite sides of wrapping, funnel shape of opening.

It will be appreciated that the patent application was first written in the Czech tongue and was only later translated into the English tongue. Upon re-reading the text of the present application, it is conceded that the translation might be improved. By the expression “false” tabs what is meant is that such tabs are not visible, when both parts are secured together. Because the tabs are not visible, they are not shown separately in Figures 2 – 4. The guidance of the Examiner will be appreciated as to whether it would be helpful to replace the word “false” by the word “hidden”, and whether it would be helpful to show the hidden tabs in Figures 2-4, perhaps by means of broken lines. Alternatively perhaps the present explanation suffices to alleviate the concerns raised in the Office Action as to enablement.

Office Action pages 2-7, paragraphs 1 –15.

The Office Action puts forth the view that the claims are supposedly obvious in view of the cited references. In support of this view, the Office Action puts forth the view, unsupported by any
5 evidence, that “the particular amount of circumferential attachment is seen to be an obvious matter of choice”. Applicant's attorney disagrees with this view, and motivated by the case of *In Re Ahlert and Kruger*, 165 USPQ 418 (CCPA 1970) applicant's attorney hereby challenges this view, asking that the Examiner show support for this view, or in the alternative, to withdraw the rejection. The Examiner is respectfully reminded of the long-felt need discussed above, and
10 the magnitude of the problem for which a workable approach is desired, a problem of such magnitude that a hotel chain would ban sales of chewing gum, and that an entire country would ban chewing gum. It is noted that this limitation brings about the result that the length of the free edges of the margins will be much bigger than the length of attached edges. This result in turn brings about a situation in which spreading out of the parts after pressing will be sufficient for
15 safe catching of adhesive chewing gum on at least one of the inner surfaces of the parts, as discussed above.

As for claim 2, it is noted that claim 2 has been amended.

20 The inventor acknowledges that any container, including the ash receiver container of Randak US 2,990,100, can have used chewing gum stuck into it. Indeed the fact that used chewing gum can be stuck anywhere is more indicative of the problem than it is of a putative solution. One might as well acknowledge that used chewing gum can be stuck under the edge of a table or chair. Upon reflection one can further acknowledge that the container of Randak, when one
25 attempts to use it as a wrapping for used chewing gum, has the same disadvantages as any other small box used for this purpose. One chief disadvantage of the use of an ash receiver, as a supposed wrapping for used chewing gum is the adverse ratio between the size of surface on which the adhesive used chewing gum can be stuck and the size of receiver. The undisciplined person who is the focus of the present discussion, who it is proposed will supposedly find it
30 obvious to spit out the used chewing gum to the ash receiver, held in one hand, must select

between either the use of a large ash receiver or the risk to of soiled clothing. The same may be said for the for packages described in EP 0 779 040 A1 and EP 0 642 993. Undisciplined persons in this case, if presented only with the containers of Randak or EP 0 779 040 A1 or EP 0 642 993 will probably simply discard the used chewing gum without going to the trouble of wrapping it. From this point of view applicant's invention cannot be termed as obvious. The applicant is the first to come up with a wrapping having a large size of surface on which adhesive used chewing gum may adhere, as compared with the size of the wrapping.

As for paragraph 11 (page 5), even if one were to assume for sake of discussion that opening a cover by pressing fingers is already known, it is suggested the spreading out the inner surfaces of the parts that constitute the walls of the cover by depressing sides, is new.

As for paragraph 12 (page 6), it is noted that with the present invention, the wrapping not only avoids contamination of the user's hands (which we understand to be the Examiner's point), but also increases the probability that also clothing will likewise not be contaminated

As for paragraphs 13 and 14 (page 6), it is noted that Badura's container (EP 0 779 040) has all of the disadvantages that are addressed by the present invention. Consider again that the smaller length of attached margins, which permits the salutary result that the size of of surface on which adhesive used chewing gum may be adhered is large to compare with the size of wrapping, is a stated limitation in the claims.

As for paragraph 15 (pages 6-7), it is noted that claim 2 has been amended. Badura disclose a method of use of wrapping, which differs from the method set forth herein. The method set forth herein offers the prospect of avoiding the soiling of clothing. In contrast, the use of the container described in EP 0 779 040 directs itself to powdery or lumpy waste, which lacks any adhesive surface. Consider, too, that if one were to attempt to use the container of EP 0 779 040 , there is the danger that the used chewing gum might simply adhere to the edge of the opening of the container, causing problems.

Information Disclosure Statement

The undersigned thanks the Examiner for pointing out the typographical error in the Information Disclosure Statement, listing "EP 0 642 933" when the undersigned should have listed "EP 0 642
5 993". The undersigned further thanks the Examiner for correctly listing "EP 0 642 993" in the Form 892, thus making the correct European publication of record in the application.

Respectfully submitted,

/s/

10 Carl Oppedahl

PTO Reg. No. 32746